

UTILITIES DIVISION[199]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Iowa Code sections 17A.4 and 476.1 and Iowa Code chapter 476C as amended by 2015 Iowa Acts, House File 645, the Utilities Board (Board) gives notice that on August 5, 2015, the Board issued an order in Docket No. RMU-2015-0001, In re: Renewable Energy Tax Credits, “Order Commencing Rule Making.” The Board is noticing for public comment proposed amendments to 199 IAC 15.19.

The proposed amendments to 199 IAC 15.19 are in response to legislative changes to Iowa Code chapter 476C contained in 2015 Iowa Acts, House File 645, signed by the Governor on June 26, 2015. The legislation amended Iowa Code chapter 476C to expand the list of options for chapter 476C facility ownership to include a municipally owned city utility and a rate-regulated public utility. The Board’s rules must be changed to reflect this amendment.

2015 Iowa Acts, House File 645, made two other changes to Iowa Code chapter 476C. First, the legislation increased the total eligible capacity for nonwind facilities from 53 megawatts (MW) to 63 MW, reserving this 10 MW increase for solar facilities with a generating capacity of 1.5 MW or less that are owned or contracted for by an electric cooperative association, a municipally owned city utility, or a public utility subject to rate regulation. Second, the legislation changed the maximum eligibility for refuse conversion facilities to annual maximums or limits. These two legislative changes do not require changes to the Board’s rules.

Pursuant to Iowa Code sections 17A.4(1)“a” and “b,” any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before September 22, 2015. The statement should be filed electronically through the Board’s Electronic Filing System (EFS). Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Any person who does not have access to the Internet may file comments on paper pursuant to 199 IAC 14.4(5). An original and ten copies of paper comments shall be filed. Both electronic and written filings shall comply with the format requirements in 199 IAC 2.2(2) and clearly state the author’s name and address and make specific reference to this docket. All paper communications should be directed to the Executive Secretary, Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069.

Because the amendments to the rules merely conform the list of options for facility ownership to the changes made in 2015 Iowa Acts, House File 645, a public hearing on the proposed amendments will not be scheduled. A public hearing may be requested pursuant to the procedures set forth in Iowa Code section 17A.4(1)“b.”

The Board does not find it necessary to propose a separate waiver provision in this rule making. While the Board has a general waiver provision in 199 IAC 1.3, the amendments in 2015 Iowa Acts, House File 645, did not give the Board the authority to waive the statutory deadlines, so no waiver provision for these rules is necessary.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 476.1 and Iowa Code chapter 476C as amended by 2015 Iowa Acts, House File 645.

The following amendments are proposed.

ITEM 1. Amend subparagraph **15.19(1)“b”(7)** as follows:

(7) An electric cooperative association organized pursuant to Iowa Code chapter 499 that sells electricity to end users located in Iowa or has one or more members organized pursuant to Iowa Code chapter 499, a municipally owned city utility as defined in Iowa Code section 362.2, or a public utility subject to rate regulation pursuant to Iowa Code chapter 476;

ITEM 2. Amend subparagraph **15.19(1)“b”(8)** as follows:

(8) A cooperative corporation organized pursuant to Iowa Code chapter 497 or a limited liability corporation organized pursuant to Iowa Code chapter ~~490A~~ 489 whose shares and membership are held by an entity that is not prohibited from owning agricultural land under Iowa Code chapter 9H; or